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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,595

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Martin K. Gustafson

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11/06/2006

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EXAMINER

GRAYSAY, TAMARA L

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/811,595

Applicant(s)

GUSTAFSON ET AL.

Examiner

Tamara L. Graysay

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2006 and 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5,8-11 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,8-11 and 20-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment comprising a pressurization blower and exhaust blower in combination with one multi-stage filter, as recited in claims 22 and 23, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

2. Claims 24 and 26 is objected to because of the following informalities:

Claims 24 and 26, penultimate line: multi-stage is misspelled.

Claim 26, line 1: [[both]] must be deleted because the preamble recites only protecting occupants. The claim has been treated as limited to a pressurized enclosure only, not exhausting contaminated air.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112, first paragraph***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 22 and 23: The original disclosure does not provide support for an embodiment having two blowers in combination with one multi-stage filter. Rather, the disclosure provides for a first multi-filter system including a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure (205; FIG. 4) in combination with the plurality of filters (210,220,230,240; FIG. 4); and a second multi-filter system including an exhaust blower for exhausting air out of the enclosure (605; FIG. 8) in combination with a plurality of filters (610,620,630,640, etc.; FIG. 8). However, there is no disclosure providing for two blowers or a reversible blower in the same multi-filter system.

Claims 24 and 25: The original disclosure does not provide support for an embodiment having a (1) a blower for both inputting air into the enclosure and for exhausting air from the enclosure and (2) a single multi-stage filter system that cleans contaminated air from entering and exiting the enclosure. Rather, the disclosure provides for a first multi-filter system including a blower for blowing air into the enclosure and for providing positive pressure inside the enclosure (205; FIG. 4) in combination with the plurality of filters (210,220,230,240; FIG. 4); and a second multi-filter system including an exhaust blower for exhausting air out of the enclosure (605; FIG. 8) in combination with a plurality of

filters (610,620,630,640, etc.; FIG. 8). However, there is no disclosure of (1) a single blower for both inputting and exhausting air in combination with (2) a single multi-stage filter for cleaning both entering air and exiting air.

***Claim Rejections - 35 USC § 112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25: The body of the claim positively recites a method of using step including the walls of the enclosure move by "blowing" air into the enclosure. This renders the claim indefinite because the claim is not clear as to whether it is directed to the enclosure and multi-stage filter or the process of using. The claim has been treated as a product by process claim wherein the walls are adapted to move.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 25: A claim must be directed to one category of invention: process, machine, manufacture, or composition of matter, or improvement thereof. Thus, a claim that is directed to both a product and a process of using the product is nonstatutory. In the present application, claim 25 is improperly directed to both a product (enclosure and filter system) and a process of using the product (the walls move ... by ... blowing air into the enclosure). The claim is nonstatutory because a claim can be directed to only one category of invention.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633) in view of Haughey (previously cited on PTO-892, US-5140980).

Claim 1: Hilbert discloses a tent enclosure (100) comprising a collapsible frame (200); and a flexible and foldable sheet material (400, 700) that is supported by the frame (200), the sheet material is impervious to biological and chemical airborne agents (waterproof, flexible, tear-resistance material 12:45-46; more durable materials may be used in accordance with the needs of the occupants and the nature of the environment to which the enclosure is exposed 12:49-52). Hilbert inherently includes a blower insofar as it

renders a positive pressure environment within the enclosure (15:14). Hilbert inherently includes sheet material being impervious to biological and chemical airborne agents sealing the occupants from the biological and chemical airborne agents and nuclear fallout (an airtight and water tight environment enables use of the protective enclosure in contaminated or hazardous environments 6:53-56). Hilbert includes an environmental control unit (900) that is capable of filtering outside air into breathable and non-harmful inside air (15:43-44). Hilbert protects the occupants from biological and chemical airborne agents; however, the reference is silent as to the particular type of filter used in the filtering process of the environmental control unit.

Haughey teaches the use of a multi-stage air filter (20) that cleans air entering an enclosure containing air used by an occupant of the enclosure, e.g., a mask, thereby protecting the lungs and skin under the mask. Although the Haughey multi-stage filter is used on a mask to protect the lungs and skin under the mask, the filter arrangement would perform equally well with an enclosure impervious to biological and chemical airborne agents sealing occupants within the enclosure from biological and chemical airborne agents and nuclear fallout (2:6-18).

Therefore, it would have been obvious to one of ordinary skill in the filtration art at the time the invention was made to modify the environmental control unit filter of Hilbert to include a multi-stage filter that cleans contaminated air entering into or exhausting out of the enclosure, as suggested by the multi-stage filter of Haughey, in order to protect the occupants from the ill effects of biological and chemical airborne agents and nuclear fallout. The change is nothing more than selecting known filter material to serve an intended purpose of protection against biological and chemical airborne agents and nuclear fallout, a decision that is generally within the level of ordinary skill in the filtration art and based on sound engineering judgment. Applicant has not provided any evidence of unexpected result. In other words, the use of a particular filter material or materials is a matter of design choice that is generally recognized as being within the level of ordinary skill in the filtration art, dependent upon the intended use and desired result. Applicant has not provided a new filter but rather arranging known filters for the same purpose as that mentioned in Haughey – e.g., 2:6-18.

Claim 2: The Hilbert poles (inflatable support members or tubes 200) are arranged in a cross-configuration to one another (e.g., FIG. 1), wherein the poles a fit within sleeve portions on the sheet material (inflatable supporting members 200 are preferably retained or pocketed against the sheet material 400, 9:27-30; the pockets are referred to as sleeves at 9:35). Further, the enclosure can include tensioning rods for reinforcing the network of inflatable support members (22:63-65).

Claim 5: The Hilbert walls are dome shaped and are attached to a floor portion to form a sealed enclosure (7:28-33).

Claim 11: The Hilbert zipper (sealing means 600) is airtight and inherently water tight (e.g., 14:1-5, 9-15).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633) and Haughey (previously cited on PTO-892, US-5140980) as applied to claim 2 above, and further in view of Tate (previously cited on PTO-892, US-2002/0020439).

Claim 3: The Hilbert and Haughey combination mentions in Hilbert (22:63-65) that tensioning rods can be used but is silent as to the type of tensioning rod.

Tate teaches the use of telescopic tensioning rods for a collapsible domed tent frame. The telescoping rods permit the tensioning rods to be collapsed into smaller pieces for ease when transporting and storing the enclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further the tensioning rods of the Hilbert and Haughey combination, to include telescoping rods, such as suggested by Tate, in order to permit



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the tensioning rods to be collapsed into smaller pieces for ease when transporting and storing the enclosure.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633) and Haughey (previously cited on PTO-892, US-5140980) as applied to claim 1 above, and further in view of Baldwin (previously cited on PTO-892, US-5537784).

Claim 8: The Hilbert and Haughey combination mentions in Hilbert that the enclosure is pressurized but is silent as to the ventilation system used.

Baldwin includes one-way pressure valves (e.g., 66a, 66b, 68a, 68b in FIG. 3) to vent air from an enclosure when the pressure in the enclosure reaches a certain level (6:35-37). The release valves would prevent the enclosure from splitting due to over pressurization and from collapsing due to under pressurization.

Therefore, in the pressurized system of Hilbert and Haughey, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further the enclosure to include a release valve, such as suggested by Baldwin, in order to prevent the enclosure from splitting due to over pressurization and from collapsing due to under pressurization.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633) and Haughey (previously cited on PTO-892, US-5140980) as applied to claim 1 above, and further in view of Knuth (US-5997619).

Claim 9: Knuth teaches a multi-stage filter including a HEPA filter (78). The multi-stage filter arrangement provides for removal of various particles and contaminants from air that is passed through the filter unit.

Any type and combination of filters that would filter out undesirable contaminants, including biological, chemical, and radioactive agents, would be within the level of sound engineering judgment to one having ordinary skill in the filtration art. Therefore, it would have been obvious to one of ordinary skill in the filtration art at the time the invention was made to modify further the Hilbert and Haughey combination to include a multi-stage filter having a HEPA filter, such as suggested by Knuth, in order to provides for removal of various particles and contaminants from air that is passed through the filter unit.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633) and Haughey (previously cited on PTO-892, US-5140980) as applied to claim 1 above, and further in view of Baldwin (US-5537784).

Claim 10: The Hilbert and Haughey combination is silent as to the particular size of the enclosure.

Baldwin teaches an enclosure that is seven feet height and accommodates up to eight occupants (4:55-67). The specific footprint size of the enclosure would have been an obvious matter of design choice generally recognized as being within the level of ordinary skill in the enclosure art. For example, as a matter of design, accommodating two persons for an extended period would at a minimum require two areas three feet by six feet for sleeping and three feet between or next to the sleeping area for standing or other activities, thus resulting in a six foot by nine foot enclosure. In support of this example, it is well settled that where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). MPEP § 2144.04(IV)(A). Also, considering the shape of the enclosure, generally, it is well settled that the configuration of a device, such as the

enclosure, would have been a matter of design choice which a person having ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed enclosure is significant. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). MPEP § 2144.04(IV)(B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further the Hilbert and Haughey combination to include an enclosure accommodating at least two occupants having an assembled size of six feet by nine feet by seven feet high, such as suggested by the Baldwin enclosure, in order to accommodate two occupants.

11. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633) and Haughey (previously cited on PTO-892, US-5140980) as applied to claim 1 above, and further in view of Searle (US-5185015).

Claims 20 and 21: Searle teaches a multi-stage filter including an ultraviolet filter (60) and an electrostatic filter (16). The multi-stage filter arrangement provides for removal of various particles and contaminants from air that is passed through the filter unit.

Any type and combination of filters that would filter out undesirable contaminants, including biological, chemical, and radioactive agents, would be within the level of sound engineering judgment to one having ordinary skill in the filtration art. Therefore, it would have been obvious to one of ordinary skill in the filtration art at the time the invention was made to modify Brown to include a multi-stage filter having a HEPA filter and an electrostatic filter, such as suggested by Searle, in order to provides for removal of various particles and contaminants from air that is passed through the filter unit.

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12. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilbert (previously cited on PTO-892, US-6192633), Haughey (previously cited on PTO-892, US-5140980), and Searle (US-5185015) as applied to claims 20 and 21 above, and further in view of Teagle (US-6402613).

Claims 22 and 23: The Hilbert, Haughey, and Searle combination provides for an enclosure having filtered air blown into the enclosure rather than exhausting filtered air from the enclosure.

Teagle suggests using a blower to exhaust filtered air from a sealed enclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hilbert combination (which includes additional frame members) to exhaust filtered air from the enclosure such as suggested by Teagle, in order to provide an enclosure that can be exhausted of undesirable contaminants.

13. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US-6390110) in view of Knuth (US-5997619) and Searle (US-5185015).

Claim 24: Brown discloses an enclosure (chemical resistance cover) having gas impervious flexible walls and floor (each module of the system is a sealed unit), large enough to protect and seal occupants from biological and chemical agents and nuclear fallout (nuclear, biological, and chemical (NBC) filter). Brown is silent as to the particular filter however, Brown discloses accomplishing the same result as the claimed invention, i.e., nuclear, biological, and chemical contaminant filtration.

Knuth teaches a multi-stage filter including an activated carbon filter (76), a HEPA filter (78), and an ultraviolet filter (50). The multi-stage filter arrangement provides for removal of various particles and contaminants from air that is passed through the filter unit.

Searle teaches a multi-stage filter including a carbon filter (3:20-22), an ultraviolet filter (60), and an electrostatic filter (16). The multi-stage filter arrangement provides for removal of various particles and contaminants from air that is passed through the filter unit.

Any type and combination of filters that would filter out undesirable contaminants, including biological, chemical, and radioactive agents, would be within the level of sound engineering judgment to one having ordinary skill in the filtration art. Therefore, it would have been obvious to one of ordinary skill in the filtration art at the time the invention was made to modify Brown to include a multi-stage filter having an activated carbon filter, a HEPA filter, an ultraviolet filter, and an electrostatic filter, such as suggested by Knuth and Searle, in order to provides for removal of various particles and contaminants from air that is passed through the filter unit.

Claim 25: The process of using the enclosure by blowing air into the enclosure does not structurally define over the Brown enclosure that is filled with positive air pressure.

14. Claims 26, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US-6390110) in view of Knuth (US-5997619) and Searle (US-5185015) and Colby (US-6783740).

Claim 26, 28 and 30: Brown discloses an enclosure (chemical resistance cover) having gas impervious flexible walls and floor (each module of the system is a sealed unit), large enough to protect and seal occupants from biological and chemical agents and nuclear fallout (nuclear, biological, and chemical (NBC) filter). Brown is silent as to the particular filter however, Brown discloses accomplishing the same result as the claimed invention, i.e., nuclear, biological, and chemical contaminant filtration.

Knuth teaches a multi-stage filter including an activated carbon filter (76), a HEPA filter (78), and an ultraviolet filter (50). The multi-stage filter arrangement

provides for removal of various particles and contaminants from air that is passed through the filter unit.

Searle teaches a multi-stage filter including a carbon filter (3:20-22), a microbial treated filter (60), an electrostatic filter (16), a metal screen (78), and an open-cell polyester foam (3:19-20). The multi-stage filter arrangement provides for removal of various particles and contaminants from air that is passed through the filter unit.

Colby teaches a microbial treated filter (60). The filter provides for microbial destruction of undesirable contaminants.

Any type and combination of filters that would filter out undesirable contaminants, including biological, chemical, and radioactive agents, would be within the level of sound engineering judgment to one having ordinary skill in the filtration art. Therefore, it would have been obvious to one of ordinary skill in the filtration art at the time the invention was made to modify Brown to include a multi-stage filter having a metal screen filter, a foam filter, an electrostatic filter, an activated carbon filter, a microbial treated filter, and a HEPA filter such as taught by Knuth, Searle, and Colby, in order to provides for removal of various particles and contaminants from air that is passed through the filter unit.

15. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US-6390110), Knuth (US-5997619), Searle (US-5185015), and Colby (US-6781740) as applied to claim 26 above, and further in view of LeBleu (US-5845504).

Claim 27: Brown mentions that the system requires its own power source, and mentions by example a power generator.

LeBleu teaches substituting various power sources for a filtration unit, including substituting a battery power source for a power generator, and it is evident that such an arrangement would be self-contained and portable to any location.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further the power source of the Brown, Knuth, Searle, and

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Colby combination to include a battery power source, such as taught by LeBleu, in order to provide a self-contained and portable system that can be used at any location.

16. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US-6390110), Knuth (US-5997619), Searle (US-5185015), and Colby (US-6781740) as applied to claim 26 above, and further in view of Wang (US-5190659).

Claim 29: Wang teaches an activated carbon filter that is impregnated with silver (8:5-13, silver impregnated carbon filter maintains a constant residual concentration of silver ions regardless of the presence of microorganisms; therefore it is called a constant release disinfectant/adsorbent). The filter would inherently work equally well when filtering air.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further the activated carbon filter of the Brown, Knuth, Searle, and Colby combination to be impregnated with silver, such as suggested by Wang, in order to provide a constant release adsorbent.

***Response to Arguments***

17. Applicant's arguments with respect to claims 1-3, 5 and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Burger (US-4244710) teaches a charcoal activated filter that having an electrostatic charge.
- Adiletta (US-4626265) teaches a multi-stage filter including a high efficiency particulate air filter having an efficiency rating in excess of 99 percent for removing aerosol particles having an average size of 0.3 microns.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is 571-272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo, can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tamara L. Graysay  
Examiner  
Art Unit 3636

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